

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia8000 DivisionLinwood Lester Rivera Sr.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Portsmouth / City of Chesapeake

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

2:17cv 589
(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☐

No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Linwood Lester Rivera

Street Address

5573 Campus Dr.

City and County

Virginia Beach

State and Zip Code

Virginia

Telephone Number

757-917-9863

E-mail Address

Bennmajarr@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name Portsmouth Police Department
Job or Title (if known) Police Patrol & K-9 unit
Street Address 801 Waters Street
City and County Portsmouth
State and Zip Code Virginia 23701
Telephone Number 757-393-5300
E-mail Address (if known) _____

Defendant No. 2

Name Chesapeake Police Department
Job or Title (if known) Police Patrol
Street Address 304 Albemarle Drive
City and County Chesapeake
State and Zip Code Virginia 23322
Telephone Number 757-382-6161
E-mail Address (if known) _____

Defendant No. 3

Name Chesapeake City Manager
Job or Title (if known) Judicial System
Street Address 306 Cedar Road
City and County Chesapeake
State and Zip Code Virginia 23322
Telephone Number 757-382-6166
E-mail Address (if known) _____

Defendant No. 4

Name Attorney General of The United States
Job or Title (if known) Attorney General
Street Address Main Justice Building 10th Constitution Ave. NW
City and County Washington
State and Zip Code D.C. 20530
Telephone Number _____
E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

4th amendment, 5th amendment, 8th amendment, 9th amendment, 14th amendment

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On 03-4-17 Chesapeake Police officers (3 in color) and Portsmouth Police officers (3 in color + K-9) coerced a Fourth Amendment violation in an attempt to conduct an illegal search of plaintiff vehicle. Chesapeake magistrate judge signed off on warrant without proper facts. (ex. I received no citation or warrant explaining initial encounter.) Magistrate then placed plaintiff in detention with no bond. Plaintiff remained in detention for over 5 months. During detention plaintiff was denied and refused medication, got hypertension, suffered mental as well as physical suffering. Plaintiff was violated continuously due to negligence of judicial system despite all the pleas for relief.

IV. Relief Chesapeake Circuit Court Judge by the name of Bruce H. Kushner ruled that plaintiff's rights were violated.

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. Plaintiff ask for relief in the form of \$2,000,000.00 for Pain and Suffering which would include but not limited for (Amendments) violation, unlawful arrest, unlawful detention, all the unlawful strip searches, Sleepless nights without family, accumulated debt, mental / Physical injuries, medical treatment, Assault on the liberties of my wife, Coercing the judicial system, malicious Prosecution, Loss wages, cost/expenses while detained, etc.

Plaintiff also asks for punitive Relief in the form of \$30,000.

6 officers \$5,000.00 each officer for failure to uphold duties. Officers acted negligently in protecting public interest and rights. Officers also have a duty to report another officer acting negligently. No officer did so.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/14/17

Signature of Plaintiff

Printed Name of Plaintiff

L. Rivera

Linwood Lester Rivera

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

DIVISION

Linwood Lester Rivera

Plaintiff(s),

v.

Civil Action Number: 2:17cv 589

City of Portsmouth / City of Chesapeake

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of 1983 Tort form.
(Title of Document)

Linwood Rivera

Name of *Pro Se* Party (Print or Type)

L. Rivera

Signature of *Pro Se* Party

Executed on: 11/14/17 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____.
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

(Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: _____ (Date)